

Application of: Larry R. Baker  
Serial No.: 10/526,942  
Amendment A

**AMENDMENTS TO THE DRAWINGS:**

The attached sheets of drawings includes changes to FIGS. 1 and 4. These sheets, which include FIG. 1 and FIGS. 4-6, replace the original sheets including FIG.1 and FIGS. 4-6. In FIGS. 1 and 4, the reference number for the handle of the pump device 20 has been changed from "98" to "103" since the reference number 98 has been previously used to identify the sensor or antennae element 98 associated with end cap 94 in FIG. 4.

Attachments: Replacement sheets of drawings  
Annotated sheets of drawings showing changes.

### **REMARKS**

Applicants have amended the Specification on page 13, paragraphs 1 and 2 to correct typographical errors associated with the reference numbers 98 and 101. Reference no. 98 in paragraph 1 on page 13 of the specification has been changed to reference numeral 103 since reference number 98 has been previously used in the specification to identify the sensor or antenna element associated with the pump device 20 as illustrated in Fig. 1. In similar fashion, reference no. 101 in paragraph 2 on page 13 of the specification has been amended to reference no. 83 which properly identifies the first electric connector as illustrated in Figs. 1 and 4.

In similar fashion, Figs. 1 and 4 have likewise been amended to properly identify the handle 103 associated with the pump device 20. No new matter has been added to either the specification or the drawings with respect to these amendments.

Claims 1-12 and 14-36 are pending in the present application, claims 1, 5, 12, 15, 19, 24, 26, 32, 34 and 36 have been amended, claim 20 has been cancelled, and new claims 37 and 38 have been added to the application. No new matter has been added. The independent claims recited by the present application are claims 1, 23, 24, 26, 30, 32 and 34.

### **THE PRESENT INVENTION**

Before addressing the cited prior art, it may be helpful to elaborate on certain features of the present invention. In this way, when comparing the claim language to the prior art, one can more readily perceive the deficiencies of the prior art when compared to the present invention as defined in the presently amended claims. The present urinary collection system includes a urinal having a first liquid storage reservoir 19 which is sized in volume to contain an amount of urine encountered in at least one patient relief. Preferably, the present urinal has a volume capable of

storing at least about eight ounces of liquid. The present urinal includes an inlet portion, an end wall, a bottom wall, and a separate pick-up device sealably mounted to the end wall of the urinal. The pick-up device includes an inlet portion and an outlet portion wherein the outlet portion is positioned normal to and above the inlet portion as best illustrated in Fig. 2. The inlet portion of the pick-up device likewise includes a siphon tube associated therewith which is positioned in the first liquid storage reservoir adjacent the end wall of the urinal and substantially normal to the outlet portion of the pick-up device as again illustrated in Fig. 2. This arrangement allows the open end portion of the siphon tube to be positioned adjacent to both the bottom wall and the end wall of the urinal. This position and location of the separate pick-up device and its associated siphon tube allows for the maximum amount of urine to be transferred to the collection container when the pump device is actuated. Fig. 2 from the present application set forth below illustrates the structure of the separate pick-up device 25.

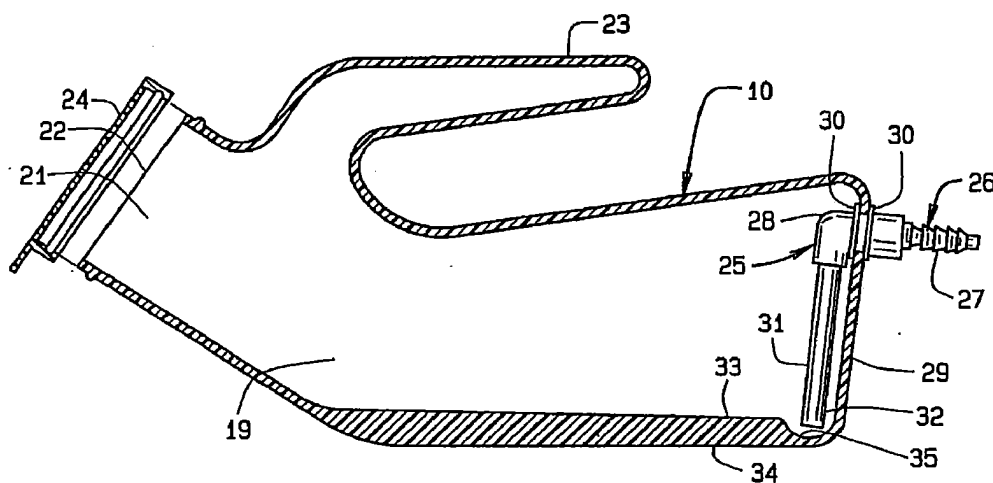


FIG. 2

PRESENT INVENTION

A quick disconnect fitting is associated with the outlet portion of the pick-up device and enables one end portion of the first conduit to be connected to the urinal and its opposite end portion to be connected to a collection container having a second liquid storage reservoir associated therewith as best illustrated in Fig. 3. A second conduit operably connects the collection container with a pump device having a drive device associated therewith operable to drive the pump. The pump is operable to apply a reduced pressure to the first and second conduits and to the pick-up device and the collection container so as to induce flow of fluid from the first reservoir associated with the urinal into the collection container. The collection container includes a sensor 79 which provides a signal as to when the collection container needs to be emptied. This sensor may likewise function to prevent operation of the drive device of the pump when the collection container is full, or when the collection container is out of its normal upright position, such as being tilted or turned over. This prevents overfilling of the collection container, or pumping urine into and out of the container when it is out of its normal upright position.

The pump device 20 likewise includes an indicator light 124 which illuminates to show that the pump device has been activated, and it includes a controller 114 which is operable to remotely control the activation and deactivation of the pump motor 82 via a remote controller 99. The controller 114 also includes a suitable timer circuit 126 which will automatically shut off the pump motor and the pump 20 after a predetermined period of time if a patient fails to turn the pump off after or during collection.

The above amendments to the claims which will be discussed below reflect key features in the present urinary collection system. These features are directed to the size of the urinal, the

position and location of the separate pick-up device, the quick release fitting associated with the pick-up device, remote activation of the present system for selectively and remotely activating and deactivating the drive motor associated with the pump device, and means for automatically deactivating the drive device after a predetermined period of time has lapsed after activation of the pump device. Other features are likewise distinguishable over the cited prior art references.

### **CLAIM REJECTIONS**

#### **A. Claim rejections under 35 U.S.C. §112**

Claim 19 has been objected to because of the misspelling of the work indicator. This correction has been made.

Claim 15 has been rejected because of the use of the trademark/trade name VELCRO®. Claim 15 has been amended to describe the VELCRO® fasteners as hook and loop fasteners.

#### **B. Claim rejections under 35 U.S.C. §103**

Claims, 1, 3-5, 7-9, 14, 17, 18, 20, 24-26, 28 and 34-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Hadley reference in further view of the Otto reference. When patentability turns on the question of obviousness, the search for and analysis of the prior art must include evidence relevant to the finding of whether there is a teaching, motivation or suggestion to select and combine the references relied on as evidence of obviousness. See *In re Sang Su Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002) (00-1158) citing *McGinley v. Franklin Sports, Inc.*, 60 U.S.P.Q.2d 1001, 1008 (Fed. Cir. 2001). There must be a reason to combine the references. The reason to combine references must be based on objective evidence of record. A showing of a suggestion, teaching or motivation to combine the prior art references is an

essential component of an obviousness holding. *C. R. Bard, Inc. v. M3 Systems, Inc.*, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1998). This is still true even in light of the KSR decision.

Particular findings must be made as to the reason why a skilled artisan with no knowledge of the claimed invention would have selected the components for combination in the manner claimed. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000). The Patent Office must identify specifically the principal, known to one of ordinary skill that suggests the claimed combination. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1459 (Fed. Cir. 1998). The Patent Office must explain the reasons why one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. Further, the Patent Office can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill would lead that individual to combine the relevant teachings of the references. See *In re Fritch*, 23 U.S.P.Q. 1780, 1783 (Fed. Cir. 1992). The factual question of motivation is material to patentability and cannot be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references simply to “use that which the inventor taught against the teacher.” *W. L. Gore v. Garloch, Inc.*, 220 U.S.P.Q. 303, 312-13 ((Fed. Cir. 1983). The Patent Office must examine the relevant data and articulate a satisfactory explanation for its action or position including a rational connection between the facts found and the choice made. *Motor Vehicles Manufacturers Association v. State Farm Mutual Automobile Ins. Co.*, 463 U.S. 29, 43 (1983).

Where a trade off between features is required to produce an invention from a combination of references, motivation to combine requires the tradeoff be desirable not just

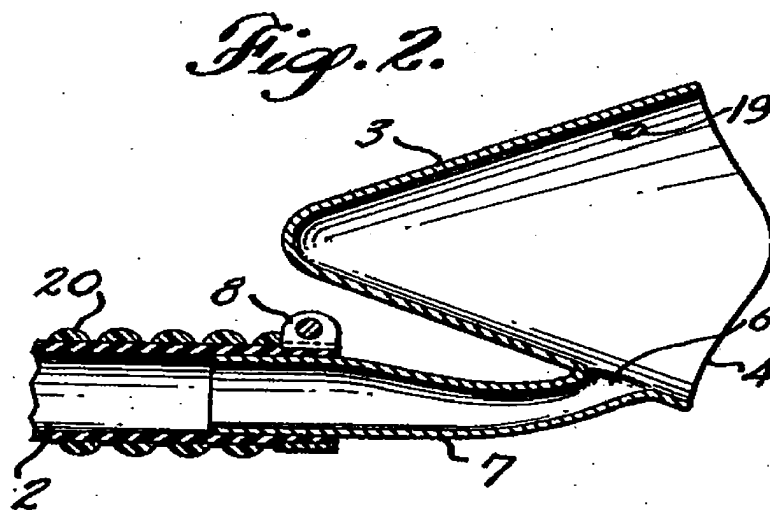
feasible. See *Winter International Royalty Corp. v. Wang*, 53 U.S.P.Q.2d 1580 (Fed. Cir. 2000).

It has been held that supporting a rejection on common knowledge and common sense is inappropriate. Reference to common knowledge without evidence in support or explanation in support is inappropriate. See *Smiths Industries Medical Systems, Inc. v. Vital Signs, Inc.*, 51 U.S.P.Q.2d 1415, 1421 (Fed. Cir. 1999). Failure to articulate an appropriate reason for the rejection is fatal to the position of obviousness. The Patent Office cannot merely make conclusory statements when dealing with particular combinations of prior art but must set forth the rationale on which it relies. *In re Sang Su Lee, supra*. Thus, it is improper to state a combination is within ordinary skill in the art without support.

An appropriate analysis in the determination of obviousness may not indulge in the forbidden hindsight evaluation. "Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. *In re Dimbiczak* 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). It has also been held that teachings of references can be combined only if there is some suggestion or incentive to do so. See *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

The Hadley reference discloses several embodiments of a female hand urinal which includes a hand receiver 3 connected to a discharge tube 7 which is connected to a drain tube 2. The drain tube 2 is connected to a storage container 1 which in turn is connected to a blower 9. The Hadley reference merely uses a pump or blower to scavenge urine from the receiver. The blower must be in operation during the urination process.

The Examiner indicates that Hadley discloses all of the claimed elements of claim 1 except for the specific pick-up device recited therein. As a result, the Examiner cites the Otto reference as showing a pick-up device having an outlet portion located normally above the inlet portion as best illustrated in Fig. 2 of the Otto reference. First of all, claim 1 of the present application has been amended to specifically recite that the urinal associated with the present system is sized in volume to receive and store at least an amount of urine encountered in at least one patient relief, the urinal having an end wall, a bottom wall and an inlet opening. The size of the urinal is an important feature of the present device because a substantial amount of urine may be collected therein prior to the need to operate the pump device 20. This saves wear and tear on the present system and provides a natural feeling during urination to a person using the present system since the pump device does not need to be activated until urination has been completed. The hand receiver 3 disclosed in the Hadley reference is not capable of holding and storing an amount of urine encountered in at least one patient relief. See Fig. 2 of Hadley illustrated below.



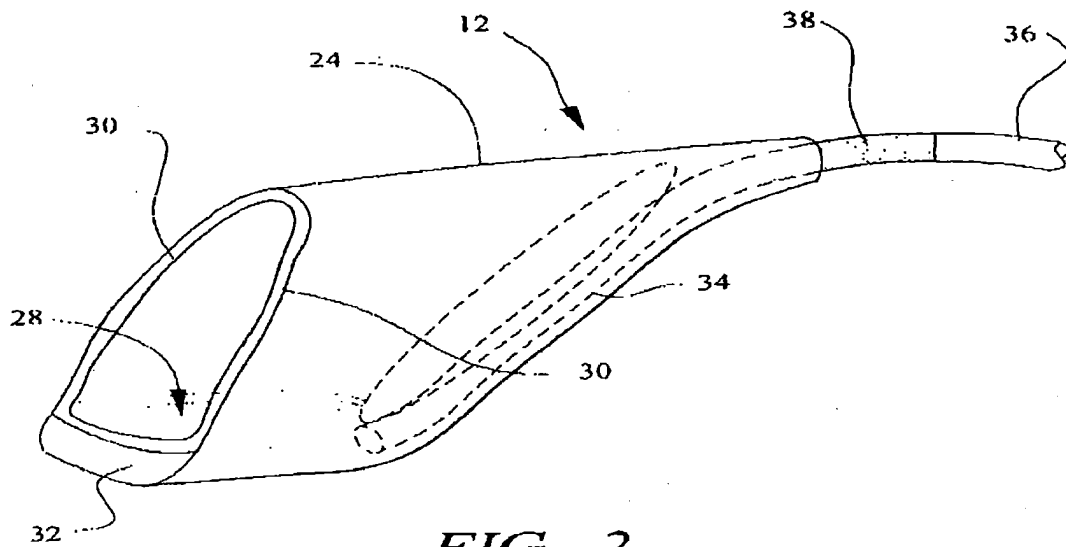
HADLEY REFERENCE



Also, the hand receiver of Hadley does not include an end wall and a back wall as claimed, nor does it include a pick-up device which is sealably mounted to the end wall of the urinal. Also, importantly, the blower 9 must be activated while the Hadley urinal is in use in order to scavenge urine from the receiver. If this is not done, urine during a patient relief would overflow the receiver.. See, Col. 3, LL 50-55. The hand receiver 3 is not capable of receiving and holding any amount of urine during a urination process.

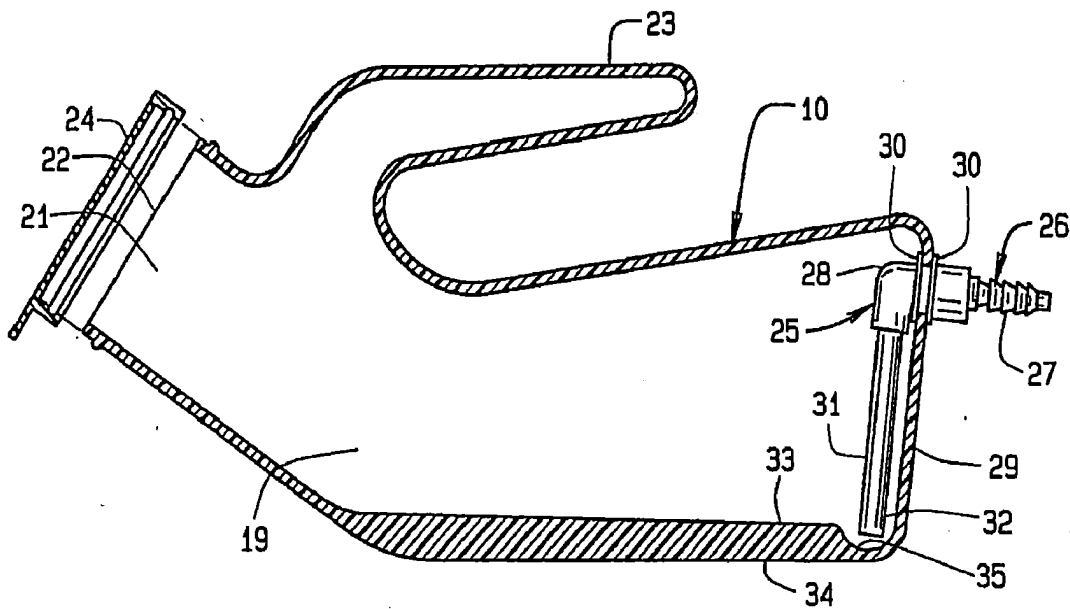
More importantly, the separate pick-up device recited in claim 1 and as best illustrated in Fig. 2 of the present application is sealably mounted to the end wall of the urinal and has its outlet portion positioned normal to and above the inlet portion. This arrangement is important to the present invention because the inlet portion of the pick-up device likewise includes a siphon tube which is positioned adjacent the end wall of the user and is likewise substantially normal to the outlet portion of the pick-up device. This allows the end portion of the siphon tube to be positioned adjacent to but spaced from the bottom wall of the urinal adjacent the end wall. See Fig. 2 of the present invention set forth below. These limitations are all recited in claim 1. This structure and positioning of the present pick-up device is not true of the Hadley reference and is likewise not true of the so-called pick-up device disclosed in the Otto reference.

In this regard, the so-called pick-up device in the Otto reference includes a tube 34 which merely rests upon an inclined surface of the urine collection receptacle 12 and there is no inlet and outlet portion associated with the pick-up device of Otto as recited in the present claim 1. See Fig. 2 of Otto below compared with Fig. 2 of the present invention.



**FIG. 2**

OTTO REFERENCE



**FIG. 2**

PRESENT INVENTION

The tube 34 of Otto is the so-called pick-up device and such tube has no inlet and outlet portion as defined in claim 1. The receptacle 12 of Otto merely has an opening for receiving the tube 34. The quick connect fitting 38 merely ties together tube 34 with tube 36 of Otto so as to present one continuous tube extending into the urinal receptacle 12. The tube 34 merely extends out through the opening in the receptacle. There is no separate inlet and outlet portion associated with a device such as the device 25 illustrated in Fig. 2 of the present application. In addition, there is no separate siphon tube which is connected to a street ell 28 which defines a portion of the pick-up device 25. The shape of the device 25 and the fact that the outlet portion is positioned normal to the inlet portion allows the siphon tube 31 of the present system to be positioned adjacent to both the end wall and the bottom wall of the urinal as shown in Fig. 2. This is not possible with the tube 34. In addition, the tube 34 of Otto is likewise not positioned substantially normal to the outlet portion as further defined in claim 1. All of these limitations are recited in claim 1.

Still further, it is not obvious to modify the pick-up device of Hadley, namely, discharge tube 7, to include the tubes 34 and 36 of Otto since such an arrangement would have the tube 34 extending away from the receiver opening back towards the cone shaped portion of the receiver which would render the device non-functional. Also, since the discharge tube 7 of Hadley is located towards the forward portion of the hand receiver 3, it would be impossible to install the so-called pick-up tube 34 of Otto into the hand receiver of Hadley as such pick-up tube would extend out of the hand receiver and would likewise interfere with the body of a user during the urination process. Such a modification is simply not practical and is non-functional. Clearly, the pick-up device recited in all of the independent claims of the present application is a device

separate and apart from the first conduit tube and the siphon tube associated with the present device and is likewise separate and apart from the inlet tube 36 and siphon tube 34 disclosed in the Otto reference. For these and other reasons, claim 1 is clearly and patentably distinguishable over both the Hadley and Otto references, either alone or in any combination.

Claims 2, 27 and 35 stand rejected as being unpatentable over both the Hadley and Otto references in further view of the Tolson reference. The Tolson reference is cited merely to show that it is known in the art to use a wireless transmitter and receiver. Applicant is not claiming a wireless transmitter and receiver per se, but the use of a wireless transmitter and receiver in combination with the urinary collection system defined in claim 1 and the other independent claims 26 and 34 is clearly and patentably distinguishable over the Tolson reference which merely relates to remotely controlled closures for windows, doors and the like. There are many different types of wireless transmitters and receivers known in the art including remote control units for turning on and off a TV set, for opening and closing doors in a vehicle, garage doors and so forth. The Tolson reference merely relates to programming control means for opening and closing some type of a closure such as a window or a door, it has nothing to do with a urinary collection device. The Examiner has cited nine (9) different prior art patents relating to urine type collection devices, and the International Search Report and Written Opinion issued in the corresponding PCT case identified another eight (8) prior art references, five (5) of which are again directed to a urine-type collection device and three (3) of which are different from the nine prior art urine-type devices cited by the Examiner. As a result at least twelve (12) different types of urine collection devices have been cited as prior art and none of these devices utilize a remotely controlled wireless transmitter/receiver arrangement for activating and deactivating the

drive device associated with a particular pump. In addition, the twelve (12) different types of urinary collection systems cited against the present application date back to 1870 and, again, none disclose the use of a wireless transmitter and receiver for operating the present system. It is respectfully submitted that if it was obvious to a person skilled in the art to incorporate such a device into the present system, it would have been done a long time ago. Applicants respectfully submit that it is the combination of elements recited in claims 1 and 2, not the individual features of such elements, that make claims 1 and 2 patentably distinguishable over the cited prior art. None of the prior art references disclose a wireless system for any type of urine collection device.

Claims 3, 25 and 28 stand rejected in view of the Hadley and Otto references discussed above and, particularly, in view of the Otto reference which teaches the use of a timer in the form of a delay relay which may be used in a urinary transfer system. The Otto device is activated and deactivated when it is placed on or taken away from support device 60. As clearly stated in Col. 7, LL 21-23, the pump in the Otto device is activated when the receptacle 12 is removed from the support device 60 and deactivated when placed back on the support device 60. The delay relay disclosed at Col. 7, LL 23-28 merely states that the delay relay may be used so that the pump 42 may continue to run for a period of time, such as for about ten seconds, after the receptacle 12 has been replaced on the support device 60 so as to pump any remaining urine in the receptacle to the reservoir 40. This delay relay teaches away from the present timer circuit associated with the present device since the timer recited in claim 3 is operable to deactivate or turn off the drive device and the pump, not to allow it to continue to operate. Since the Otto pump is automatically deactivated when the receptacle is placed back on the support device 60, the delay relay allows

the pump to continue to run for a period of time so as to ensure that all of the urine has been transferred from the receptacle to the reservoir. This is not the case with the timer recited in claim 3 which functions to turn off the pump, not to allow the pump to continue to run for some predetermined time period after deactivation. Claims 3 and 28 are therefore clearly and patentably distinguishable over the delay relay disclosed in the Otto reference.

Claim 5 has been amended to specifically recite that the collection container include a top wall, an inlet connector and an outlet connector, the inlet connector having an end portion which terminates close to the top wall of the container and is directed downward to prevent liquid entering the second reservoir from entering the container outlet. The Hadley reference discloses a drain tube 2 having one end portion extending well into the collection container as illustrated in Fig. 4. As such, claim 5 is clearly and patentably distinguishable over the Hadley reference.

Claim 12 stands rejected as being unpatentable over Hadley and Otto in further view of the Pike reference. Claim 12 specifically recites that the first reservoir includes an indented, well portion and that the siphon tube is rigid so that the end portion of the siphon tube is positioned within the well portion. Here again, Applicants are not claiming the well portion per se, but are claiming the well portion in combination with the structure of the urinal recited in claim 1. More particularly, the Pike reference has nothing to do with a urinal or a urinary collection system but is specifically directed to a liquid dispenser system that has a reservoir in the bottom on the container. The present well portion is specifically associated with the bottom wall of the urinal as illustrated in Fig. 2 above and is positioned and located in relationship to the pick-up device 25 such that the siphon tube 31 is positioned and located adjacent to the end wall of the urinal and substantially normal to the outlet portion of the pick-up device. This arrangement is not



Also, the tube 52 of Pike is not substantially normal to the outlet portion of the container or the dispenser 49. This is clearly different from the structure recited in claim 12. There is no teaching or suggestion of using a well portion in a urinal adjacent the end wall of the urinal as recited in claims 1 and 12. For this reason alone, claim 12 is likewise clearly and patentably distinguishable over the Hadley, Otto and Pike references, either alone or in any combination thereof.

Claim 19 stands rejected as being unpatentable over Hadley and Otto in further view of the Martin reference. Claim 19 specifically recites that the pump device includes a light indicator which illuminates when the pump device is activated and, in addition, it likewise recites that the pump device includes a power overload protector. The light indicator recited in claim 19 refers to the indicator light 124 illustrated in Figs. 1, 4 and 6 of the present application and is described on page 14 of the application. The indicator light 124 provides an indication that the pump device 20 has been activated. The indicator light recited in claim 19 has nothing to do with indicating that the collection container needs to be emptied. Sensor 79 illustrated in Fig. 1 and described on page 11 of the present application functions to provide an alarm or other signal that can alert a user that the container needs to be emptied. Sensor 79 is separate and apart from the light indicator 124. Here again, this feature in combination with the collection system recited in claim 1 is patentably different from the automatic urine detecting, collecting and storing device disclosed in the Martin reference.

Still further, although the Martin reference refers to a ground fault, Applicants are not claiming the use of a power overload protector such as the circuit breaker 95 illustrated in Fig. 1 of the present application per se. Applicants do believe that the use of the power overload



protector 95 and the indicator light 124 showing that the pump device 20 has been activated in combination with the total system defined in claim 1 is clearly and patentably distinguishable over the Hadley, Otto and Martin references, either alone or in any combination thereof.

Dependent Claims 4, 6-11, 14-18 and 20 depend, either directly or indirectly, upon independent claim 1 and include all of the limitations thereof. As such, all of these dependent claims are likewise in allowable condition.

Dependent Claims 21, 22 and 29 stand rejected as being unpatentable over Hadley and Otto in further view of Fajnsztajn. Claims 21, 22 and 29 recite the use of an external male catheter in conjunction with the urinary collection system defined in independent claim 1 and independent claim 26 which is substantially similar in scope to independent claim 1. All three of these dependent claims include all of the limitations of their base claim and such claims specifically recite that the external male catheter includes an outlet tube which is in flow communication with the urinal, which urinal includes a separate pick-up device and other structure previously distinguished over the primary Hadley and Otto references. The cited Fajnsztajn reference merely discloses the use of a vented urinary device for the draining of urine from a male patient. Here again, Applicants are not claiming the use of a external male catheter per se, but the use of such a male catheter in conjunction with the urinary collection system defined in independent claims 1 and 26 is clearly and patentably distinguishable over the device disclosed in the Fajnsztajn reference, either alone or in combination with the Hadley and Otto references for all of the reasons discussed above. As recited, claims 21, 22 and 29 require the use of (1) an external male catheter, and (2) a urinal having a first liquid storage reservoir, and (3) a collection container having a second liquid storage reservoir, and (4) a pump device. If the

hand receiver 3 of Hadley is an external male catheter, then it does not include the urinal device having a first storage reservoir sized in volume to receive and store at least an amount of urine encountered in at least one patient relief as previously described. If the Fajnsztajn male device is used in conjunction with the Hadley device, the urine transferred through the Fajnsztajn device would overfill the hand receiver of Hadley and would spill out since the hand receiver of Hadley is not designed to receive urine from another device. Instead, the hand receiver of Hadley is specifically designed so as to conform to the feminine crotch area so as to fit in such area in sealing fashion. As previously explained, the hand receiver of Hadley is not the urinal defined in claim 1 and a combination of Hadley and Fajnsztajn will not produce the collection system defined in claims 21, 22 and 29 and as illustrated in Fig. 7 of the present application.

In similar fashion, if the Fajnsztajn device is used in conjunction with the device disclosed in the Otto reference, such combination would not include the particular separate pick-up device as defined in the independent claims of the present application. For these reasons, dependent claims 21, 22 and 29 are clearly and patentably distinguishable over the cited prior art references.

Independent Claim 24 is a method claim which includes the same limitations discussed above with respect to independent claim 1 including the fact that (1) the first liquid storage reservoir is sized in volume to receive and store at least an amount of urine encountered in at least one patient relief, that (2) the pick-up device is sealably mounted to an end wall of the first storage container, that (3) the pick-up device has an outlet portion positioned normal to and above the inlet portion, that (4) the inlet portion of the pick-up device has a siphon tube associated therewith positioned adjacent the end wall and substantially normal to the outlet

portion, and that (5) the siphon tube has an end portion positioned adjacent to but spaced from the bottom wall of the first reservoir. As previously discussed with respect to independent claim 1, the specific pick-up device and the arrangement of the first conduit and siphon tube relative to the structure of the urinal is not disclosed or even suggested in the Otto reference. As a result, any combination of Hadley and Otto as discussed above will not yield the method for collecting urine as recited in claim 24.

Independent Claim 26 is substantially similar to independent claim 1 but is slightly different in scope in that claim 26, besides including the limitation relating to the size of the urinal and the specific structure of a separate pick-up device, also recites that the tube associated with the inlet portion of the pick-up device has its end portion positioned adjacent to both the bottom wall and the end wall of the urinal as clearly illustrated in Fig. 2 of the present application. Also, claim 26 specifically recites that the control device remotely selectively activates and deactivates the drive device of the pump. This remote activation is not disclosed in any of the prior art references relating specifically to urine collection systems. As previously explained, the Tolson reference is non-analogous art and out of all of the at least twelve (12) separate urine collection device prior art references cited against the present application dating back to 1870, none of such prior art references disclose use of a remote control device for activating the pump drive. Applicants respectfully submit that use of a remote control device is not obvious since prior art spanning one hundred forty years (140) does not teach or even suggest use of a remote control device. For all of the reasons discussed above with respect to claims 1 and 2, independent claim 26 is likewise clearly and patentably distinguishable over the cited prior art.

Claim 27 is substantially similar to claim 2 and is likewise clearly and patentably distinguishable over the Hadley, Otto and Tolson references for all the reasons discussed above with respect to claim 2.

Claim 28 is likewise substantially similar to claim 3 and is likewise clearly and patentably distinguishable over the cited prior art references for all of the reasons discussed above with respect to claim 3. The delay relay of Otto teaches away from the timer device defined in claim 28.

Independent Claim 32 is substantially similar to independent claim 24 and likewise includes the same limitations relating to the urinal size, the specific structure of the separate pick-up device and the position and location of the siphon tube associated with the pick-up device adjacent to the end wall and being substantially normal to the outlet portion of the pick-up device. In addition, independent claim 32 likewise requires providing a control device which is operably associated with the pump device for remotely selectively activating and deactivating the drive device. Here again, as previously explained with respect to claims 2, 26 and 27, none of the prior art devices cited against the present application including the Hadley, Otto and Tolson references disclose the use of a remote control device for collecting urine in a collection device as described in the method of claim 32.

Dependent Claim 33 is substantially identical to dependent claims 3, 25 and 28 and is likewise in allowable condition for all of the reasons discussed above with respect to those claims. The timer of the present system functions to deactivate the drive device thereby deactivating the pump after a preset time of activation. This is not true of the Otto delay relay

which functions to allow the pump to continue to operate and to remain active for a predetermined period of time after the pump is deactivated.

Independent Claim 34 is substantially similar to independent claim 1 in that it includes the same limitations relating to the urinal size and the specific construction associated with the separate pick-up device. In addition, claim 34 likewise requires means for automatically deactivating the drive device of the pump after a predetermined period of time. Here again, the specific constructional features relating to the urinal size and pick-up device are not disclosed, taught or even suggested in the primary Hadley or Otto references as previously explained. Also, the delay relay disclosed in the Otto reference is not the same means for automatically deactivating the drive device of the present pump after a certain period of time. The Otto delay relay functions to allow the pump to continue to operate for a period of time after the urinal device has been placed on the support stand 60 and the pump has been sent a signal to deactivate. This teaches away from Applicant's timer which functions to stop the operation of the pump device after a certain period of time. None of the cited prior art references disclose these features in combination, particularly, a urinal collection system having a separate pick-up device with an outlet portion positioned normal to and above the inlet portion, and with the inlet portion of the pick-up device having a siphon tube associated therewith which extends adjacent to the end wall of the urinal and is substantially normal to the outlet portion. These features alone clearly and patentably distinguish claim 34 over all of the cited prior art references including the Hadley and Otto references, either alone or in combination.

Dependent Claim 36 specifically defines the means for automatically deactivating the drive device as including a timer as previously discussed with respect to claim 3. For all of the reasons discussed above, claim 36 is likewise in allowable condition.

Applicant has also added new dependent claim 37 which specifically requires that the sensor of claim 6 also function to prevent operation of the drive device when the collection container is full. This prevents a patient or other user from overfilling the container device and spilling its contents onto the floor or surrounding environment. Besides functioning to indicate when the container is full, the present sensor likewise functions to prevent activation of the pump drive when the container is full. None of the prior art references disclose such a feature. New claim 37 is therefore clearly and patentably distinguishable over all of the cited prior art in any combination.

New Claim 38 is likewise dependent upon claim 37 and requires that the sensor further function to prevent operation of the drive device of the pump when the collection container is out of its normal upright position. This feature prevents activation of the pump drive when the collection container is tilted or otherwise turned onto its side thereby likewise further preventing spilling of its contents through activation of the pump drive. Again, no such feature is disclosed in any of the cited prior art references. As a result, new claim 38 is clearly and patentably distinguishable over all of the cited prior art, either alone or in any combination.

Independent Claims 23 and 30 both recite a urinary collection system which includes an external male catheter having an outlet tube which is connected directly to a collection container. A pump device is then operable through a separate conduit to induce flow of fluid from the external male catheter into the collection container. Both independent claims 23 and 30 require

the use of a control device which is operable to remotely selectively activate and deactivate the drive device of the pump device. As previously discussed with respect to claims 2, 27 and 35, none of the cited prior art references including the Tolson reference disclose the use of a remote control device in a urinary collection system to activate and deactivate the pump device associated with the present system. There is no teaching or motivation in any of the cited prior art references to add a wireless transmitter and receiver to the Hadley device for all of the reasons discussed above.

In addition, independent claim 30 further recites that the present system include means for automatically deactivating the drive device after a predetermined period of time. Here again, as discussed with respect to claims 3, 25 and 28, the delay relay of Otto teaches away from the timer mechanism associated with the present system and as defined in independent claim 30. Again, the timer of claim 30 functions to deactivate the drive device thereby deactivating the pump after a preset period of time. This is not true of the Otto delay relay which functions to allow the pump to continue to operate and to remain active for a predetermined period of time after the pump has been deactivated by the user. Clearly, independent claims 23 and 30 are patentably distinguishable over all of the cited prior art references, either alone or in combination, for all of the reasons discussed above.

Based upon the foregoing amendments and remarks, it is now believed that all of the pending claims in the present application, namely, claims 1-12, 14-19, 21-36 and new claims 37 and 38 contain limitations and restrictions which patentably distinguish them over all of the cited prior art. None of the cited references, either alone or in any combination thereof, disclose or suggest all of the novel features associated with the present constructions as set forth in the

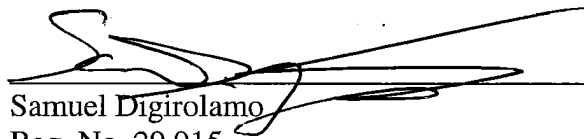
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independent claims as explained above, nor do the prior art constructions teach, motivate or suggest the combination of references relied upon by the Examiner as evidence of obviousness. In addition, none of the prior art constructions provide the specific advantages and objectives obtained by the present urinary collection system. Although some of the features associated with the present device are known and are used in other applications, the specific combination of features in a urinary collection device as claimed in the present application is patentably distinguishable thereover. Favorable action and allowance of the claims is therefore respectfully requested.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: 22 MAR 10

  
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